United Nations A/C.3/59/L.52

General Assembly

Distr.: Limited
2 November 2004

Original: English

Fifty-ninth session
Third Committee
Agenda item 105 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Azerbaijan, Belarus, Bhutan, Burundi, Cameroon, Central African Republic, China, Colombia, Congo, Cuba, Ethiopia, Fiji, Guinea-Bissau, India, Indonesia, Kazakhstan, Madagascar, Nigeria, Pakistan, Philippines, Republic of Moldova, Russian Federation, Senegal, Swaziland, Switzerland, Tunisia, United Republic of Tanzania, Venezuela, Viet Nam and Zimbabwe: draft resolution

Human rights and terrorism

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations[2] and the International Covenants on Human Rights,[3]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[4] as well as the Declaration on Measures to Eliminate International Terrorism,[5]

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[6] in which the Conference reaffirmed that the acts, methods and practices of terrorism in all its forms and manifestations, as well as its linkage in some countries to drug trafficking, are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity and the security of States and destabilizing legitimately constituted Governments, and that the international

[1] Resolution 217 A (III).
[2] Resolution 2625 (XXV), annex.
[3] Resolution 2200 A (XXI), annex.
[4] See resolution 50/6.
[5] Resolution 49/60, annex.
[6] A/CONF.157/24 (Part I), chap. III.

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community should take the necessary steps to enhance cooperation to prevent and combat terrorism,

Recalling further the United Nations Millennium Declaration adopted by the General Assembly,[7]

Recalling, in this regard, the reference in the report of the Secretary-General on the implementation of the Millennium Declaration to the fact that terrorism itself is a violation of human rights and must be combated as such and that efforts at combating it must be pursued, however, in full compliance with established international norms,[8]

Recalling also its resolutions 48/122 of 20 December 1993, 49/185 of 23 December 1994, 50/186 of 22 December 1995, 52/133 of 12 December 1997, 54/109 and 54/110 of 9 December 1999, 54/164 of 17 December 1999, 55/158 of 12 December 2000, 56/160 of 19 December 2001, 57/219 and 57/220 of 18 December 2002 and 58/174 of 22 December 2003,

Recalling in particular that, in its resolution 52/133, it requested the Secretary-General to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of human rights and fundamental freedoms,

Recalling previous resolutions of the Commission on Human Rights on the issue of human rights and terrorism, as well as on hostage-taking,

Bearing in mind all other relevant General Assembly resolutions,

Bearing in mind also relevant Security Council resolutions,

Aware that, at the dawn of the twenty-first century, the world is witness to historic and far-reaching transformations, in the course of which forces of aggressive nationalism and religious and ethnic extremism continue to produce fresh challenges,

Alarmed that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Convinced that terrorism in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Concerned that, despite the efforts of the international community, acts of hostage-taking in different forms and manifestations, inter alia, committed by terrorists and armed groups, continue to take place and have even increased in many regions of the world,

Bearing in mind that the right to life is the basic human right, without which a human being can exercise no other right,

Bearing in mind also that terrorism creates an environment that destroys the right of people to live in freedom from fear,

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[7] See resolution 55/2.

[8] See A/58/323, para. 28.

Reiterating that all States have an obligation to promote and protect all human rights and fundamental freedoms and to ensure effective implementation of their obligations under international law,

Seriously concerned about the gross violations of human rights perpetrated by terrorist groups,

Expressing its deepest sympathy and condolences to all the victims of terrorism and their families,

Alarmed in particular at the possibility that terrorist groups may exploit new technologies to facilitate acts of terrorism, which may cause massive damage, including huge loss of human life,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law, including relevant State obligations under international human rights and international humanitarian law, and to strengthen the role of the United Nations in this respect,

Emphasizing also that States shall deny safe haven to those who finance, plan, support or commit terrorist acts or provide safe havens,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights standards and obligations,

Mindful of the need to protect the human rights of and guarantees for the individual in accordance with the relevant human rights principles and instruments, in particular the right to life,

Noting the growing consciousness within the international community of the negative effects of terrorism in all its forms and manifestations on the full enjoyment of human rights and fundamental freedoms and on the establishment of the rule of law and democratic freedoms as enshrined in the Charter of the United Nations and the International Covenants on Human Rights,

Concerned by the tendencies to link terrorism and violence with religion,

Noting the developments that have occurred since its fifty-eighth session, on addressing the issue of human rights and terrorism at the national, regional and international levels,

1. *Reiterates its unequivocal condemnation* of the acts, methods and practices of terrorism in all its forms and manifestations as activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

2. *Strongly condemns* the violations of the right to life, liberty and security;

3. *Rejects* the identification of terrorism with any religion, nationality or culture;

4. *Profoundly deplores* the increasing number of innocent persons, including women, children and the elderly, killed, massacred and maimed by

terrorists in indiscriminate and random acts of violence and terror, which cannot be justified in any circumstances;

5. *Expresses its solidarity* with the victims of terrorism;

6. *Reaffirms* the decision of the heads of State and Government, as contained in the United Nations Millennium Declaration,[7] to take concerted action against international terrorism and to accede as soon as possible to all the relevant regional and international conventions;

7. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

8. *Calls upon* States to take all necessary and effective measures, in accordance with relevant provisions of international law, including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever it is committed, and also calls upon States to strengthen, where appropriate, their legislation to combat terrorism in all its forms and manifestations;

9. *Urges* all States to deny safe haven to terrorists;

10. *Calls upon* States to take appropriate measures, in conformity with relevant provisions of national and international law, including international human rights standards, before granting refugee status, for the purpose of ensuring that an asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts, including assassinations, and to ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists;

11. *Urges* States and the Office of the United Nations High Commissioner for Refugees to review, with full respect for legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light which indicates that the person in question has planned, facilitated or participated in the commission of terrorist acts;

12. *Condemns* the incitement to ethnic hatred, violence and terrorism;

13. *Stresses* that every person, regardless of nationality, race, sex, religion or any other distinction, has a right to protection from terrorism and terrorist acts;

14. *Expresses concern* about the growing connection between terrorist groups and other criminal organizations engaged in the illegal traffic in arms and drugs at the national and international levels, as well as the consequent commission of serious crimes such as murder, extortion, kidnapping, assault, the taking of hostages and robbery, and requests the relevant United Nations bodies to continue to give special attention to this question;

15. *Requests* the Secretary-General to continue to seek the views of Member States on the implications of terrorism in all its forms and manifestations for the full enjoyment of all human rights and fundamental freedoms and on the possible establishment of a voluntary fund for the victims of terrorism, as well as on ways and means to rehabilitate the victims of terrorism and to reintegrate them into

society, with a view to incorporating his findings in his report to the General Assembly;

16. *Takes note* of the work of the Sub-Commission on the Promotion and Protection of Human Rights on the issue of terrorism and the final report of the Special Rapporteur on terrorism and human rights;[9]

17. *Requests* the Office of the United Nations High Commissioner for Human Rights, in the course of the examination of the question and in the conduct of any study on terrorism that may be mandated, and in its activities relating to the issue of terrorism, to adopt a comprehensive approach, in particular, by giving full and equal attention to the issues raised in the present resolution with relation to the grave impact of terrorism on the enjoyment of human rights of individuals;

18. *Decides* to consider this question at its sixtieth session, under the item entitled "Human rights questions".

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[9] E/CN.4/Sub.2/2004/40.